

IN THE CIRCUIT COURT  
OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
Case No.: 2024-022769-CA-01

KP Investments Miami, LLC, Plaintiff,

v.

Mario Mirabal, Defendant.

\_\_\_\_\_/

DEFENDANT'S MOTION TO DISQUALIFY JUDGE SIMON AND  
CHIEF JUDGE ORSHAN FOR BIAS AND LACK OF IMPARTIALITY,  
AND TO STAY PROCEEDINGS PENDING RESOLUTION OF APPEALS  
AND RULE 1.540(d) MOTIONS

I. INTRODUCTION

Defendant, Mario Mirabal, pro se, respectfully moves for disqualification of

the Honorable Judge Lurdes Simon and the Honorable Judge Ariana Fajardo Orshan, and for a stay of proceedings. This motion is based on Florida Rule of General Practice and Judicial Administration 2.330 (disqualification) and 2.215(b)(4) (assignment/reassignment), as well as constitutional guarantees of due process and impartial tribunal.

## II. FACTUAL BACKGROUND

Jurisdiction was divested to federal court as of March 28, 2025 (docket entry no. 44).

Motion Properly Filed, Denial Signed by Wrong Judge. Defendant filed a Motion to Stay/Abate (Ex. A)

The order denying that motion was signed not by Judge Simon but by Chief Judge Orshan, despite her prior recusal, and it lacked the official ePortal timestamp (Ex. B)

Proposed Order Irregularities. The Judicial Assistant deleted Defendant's proposed order while entering Plaintiff's, as confirmed in email correspondence (Ex. C)

Docket Manipulation. Administrative Order 25-06, reassigning the case, was entered out of sequence raising appearance of backdating.(Ex. D)

Draft Orders Circulated by Opposing Counsel. Emails show opposing counsel

(Cunill) circulating a draft Rule to Show Cause (Ex. E),

and a draft sanctions order (Ex. F),

which were then reflected in court transmissions (Ex. G, H),

Proceedings Despite Pending Appeals. Plaintiff has noticed depositions while six appeals and fraud-based 1.540(d) motions remain unresolved.(Ex. I)

### III. LEGAL STANDARD

Rule 2.330(f): A motion is legally sufficient if the facts would cause a reasonable person to fear they cannot receive a fair trial.

Rule 2.215(b)(4): The Chief Judge may reassign for good cause — but where the Chief Judge herself is implicated, impartiality requires stepping aside.

Hazel-Atlas Glass Co., 322 U.S. 238 (1944): Fraud upon the court voids orders at any time.

### IV. ARGUMENT

#### A. Disqualification of Judge Simon.

Judge Simon's division deleted Defendant's filings (Ex. C), adopted opposing counsel's drafts (Exs. E-H), and proceeded despite Defendant's constitutional objections. This creates a well-founded fear of bias.

#### B. Disqualification of Chief Judge Orshan.

Judge Orshan signed an order (Ex. B) despite recusal, controlled reassignment (Ex. D), and remains implicated administratively. A reasonable person would fear partiality.

#### C. Reassignment Alone Cannot Cure Bias.

Even if the case is reassigned, proceeding while Federal appeals remain open and Enriquez's 1.540(d) fraud motions remain unresolved prejudices issues under higher review. The only fair remedy is a stay.

#### D. Stay Pending Resolution.

With federal appeals and Judge Enriquez's fraud rulings pending, proceeding here risks inconsistent judgments and violates the Supremacy Clause.

### V. RELIEF REQUESTED

Defendant respectfully requests that this Court:

Disqualify Judge Simon pursuant to Rule 2.330.

Disqualify Chief Judge Orshan pursuant to Rule 2.330.

Reassign this case under Rule 2.215(b)(4) to a division not under Chief Judge Orshan's control, with the express direction that proceedings be stayed until jurisdictional questions are resolved.

Stay these proceedings in any event, pending:

Resolution of Defendant's appeals, including docket entry no. 52 (filed May 23, 2025, Notice of Federal Fraud-Based Motion under Review in the Eleventh Circuit under Rule 60(d)(3), Fraud Upon the Court);

Adjudication of Defendant's pending Rule 1.540(d) fraud motions before Judge Enriquez; and

Recognition that jurisdiction was divested to federal court as of March 28, 2025 (docket entry no. 44).

Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Mario Mirabal

Mario Mirabal, Pro Se

563 W 49th Street

Miami Beach, FL 33140

Phone: 786-479-6596

Email: solphax@gmail.com

08.28.2025

## EXHIBIT INDEX

Exhibit A – Defendant’s Motion to Stay/Abate (time-stamped)

Exhibit B – Certified copy of Order Denying Stay/Abate, signed by Orshan

Exhibit C – JA email thread re proposed orders

Exhibit D – Docket snapshot showing AO 25-06 out of sequence

Exhibit E – Cunill email draft Rule to Show Cause

Exhibit F – Cunill email draft sanctions order

Exhibit G – Service of draft orders (court staff)

Exhibit H – Court Map notification of draft order service

Exhibit I – KP Notice of Taking Deposition

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Defendant's Motion to Disqualify Judge Simon and Chief Judge Orshan for Bias and Lack of Impartiality, and to Stay Proceedings Pending Resolution of Appeals and Rule 1.540(d) Motions, together with Exhibits A–J, has been filed via the Florida Courts E-Filing Portal on this 28th day of Aug, 2025. The filing has been served via ePortal and or email on the following:

Counsel for KP Investments Miami, LLC:

John Cunill, Esq.

john@cunill.com

(or the email on ePortal)

Judicial Officers (by email to chambers):

Hon. Ariana Fajardo Simon (Civil Division, Miami-Dade)

simon\_chambers@jud11.flcourts.org

(or as per court protocol)

Hon. Ariana Fajardo Orshan (Chief Judge, 11th Judicial Circuit)

orshan\_chambers@jud11.flcourts.org

(or as per court protocol)

Mario Mirabal, Pro Se

563 w 49 st

Miami Beach Fl 33140

786.479.6596

solphax@gmail.com



# EXHIBIT A

IN THE CIRCUIT COURT  
OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
CASE NO.: 2024-022769-CA-01

KP INVESTMENTS MIAMI, LLC,

Plaintiff,

v.

MARIO MIRABAL,

Defendant.

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DEFENDANT'S NOTICE OF LACK OF JURISDICTION AND MOTION  
TO STAY/ABATE PROCEEDINGS PENDING FEDERAL REVIEW  
AND PENDING RULE 1.540(d) MOTION

INTRODUCTION AND NOTICE

Defendant, Mario Mirabal, hereby gives notice that this Court presently lacks jurisdiction to proceed, and moves for an order staying and abating these proceedings.

NOT AN OFFICIAL COPY - PUBLIC ACCESS

This case was removed to the United States District Court for the Southern District of Florida as Case No. 1:25-cv-20747-JEM. That removal divested the state court of jurisdiction under 28 U.S.C. § 1446(d). Although the District Court entered an order of remand, Defendant timely appealed. Federal appellate review is ongoing in the U.S. Court of Appeals for the Eleventh Circuit as Case Nos. 25-10858, 25-10862, 25-11120, 25-11182, 25-11183, and 25-11254. Until those appeals are resolved and mandates issue, jurisdiction remains with the federal courts, and this Court is without authority to act.

Further underscoring this instability, Judge Orshan's prior actions in this case remain under review in the Florida Third District Court of Appeal (Case No. 3D2025-0540). Yet the case has been administratively reassigned to Judge Lourdes Simon without a formal recusal order while Orshan's rulings remain on appeal.

Finally, the Plaintiff's ejectment claims are wholly derivative of the foreclosure judgment at issue in Case No. 2018-018704-CA-01 (Deutsche Bank Nat'l Trust Co. v. Mirabal), where Defendant's Rule 1.540(d) motion remains pending before Judge Enriquez. Defendant further notes that the originating foreclosure action was dismissed with prejudice in 2020, making all derivative actions — including Plaintiff's ejectment claim — inconsistent with that final adjudication. Defendant's pending 1.540(d) motion seeks enforcement of that dismissal order against subsequent void proceedings.

For all of these reasons — federal removal and pending appeals, lack of jurisdiction under the Supremacy Clause, unresolved Rule 1.540(d) proceedings, and appellate review of Judge Orshan's conduct — Defendant respectfully moves this Court to stay and abate all proceedings.

NOT AN OFFICIAL COPY - PUBLIC ACCESS

## FACTUAL BACKGROUND

This case was removed to the United States District Court for the Southern District of Florida as Case No. 1:25-cv-20747-JEM.

Following remand, Defendant timely appealed. The matter remains under review in the U.S. Court of Appeals for the Eleventh Circuit as Case Nos. 25-10858, 25-10862, 25-11120, 25-11182, 25-11183, and 25-11254.

Federal appellate review is ongoing and has not been resolved. These proceedings divest this Court of jurisdiction until final federal disposition.

Independently, in Case No. 2018-018704-CA-01 (Deutsche Bank Nat'l Trust Co. v. Mirabal), Defendant has filed a Rule 1.540(d) motion demonstrating that the foreclosure judgment underlying Plaintiff's title claims is void ab initio.

The foreclosure action was dismissed with prejudice in 2020, making any subsequent enforcement proceedings inconsistent with that final adjudication.

Plaintiff's ejectment claims in this action are entirely derivative of the foreclosure judgment at issue in the Enriquez case. If the 1.540(d) motion is granted, Plaintiff's claims here will be extinguished.

## LEGAL BASIS



Supremacy Clause, U.S. Const. Art. VI, cl. 2: State courts are bound to respect the jurisdiction of federal courts once removal has occurred.

28 U.S.C. § 1446(d): Upon removal, state courts are divested of jurisdiction unless and until remand is final and unappealed. Here, multiple appeals are pending.

Florida Rule of Civil Procedure 1.540(d): A void judgment may be attacked at any time; until adjudication, derivative actions cannot lawfully proceed.

#### INCORPORATION BY REFERENCE

Defendant incorporates by reference the Affidavit of Forensic Facts in Support of Defendant's Rule 1.540(d) Motion, filed July 2025 in Case No. 2018-018704-CA-01, which outlines systemic assignment fraud, SEC (pooling) and REMIC violations, and 83 documented instances of fraud upon the court.

#### REQUEST FOR RELIEF

WHEREFORE, Defendant respectfully requests that this Court:

- A. Take notice of its lack of jurisdiction while federal appeals remain pending;
- B. Stay and abate all proceedings in this case, including Plaintiff's scheduled Motion for Sanctions on August 28, 2025;
- C. Defer to the pending federal appellate proceedings in the Eleventh Circuit — including Case Nos. 25-10858, 25-10862, 25-11120, 25-11182, 25-

11183, and 25-11254 — all of which involve overlapping issues of jurisdiction, fraud upon the court, and collusion between KP Investments Miami, LLC and Deutsche Bank, as well as the pending Rule 1.540(d) proceedings in Case No. 2018-018704-CA-01; and

D. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: Aug 20, 2025

/s/ Mario Mirabal

Mario Mirabal, Pro Se

563 W 49th Street

Miami Beach, FL 33140

786-479-6596

solphax@gmail.com

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Defendant's Notice of Lack of Jurisdiction and Motion to Stay/Abate Proceedings has been filed with the Florida Courts E-Filing Portal this \_\_\_ day of August, 2025, and served via electronic mail and/or electronic filing notification on all counsel of record.

Dated: Aug 20, 2025

Miami, Florida

Respectfully submitted,

/s/ Mario Mirabal

Mario Mirabal, Pro Se

563 W 49th Street

Miami Beach, FL 33140

Phone: (786) 479-6596

Email: solphax@gmail.com

# EXHIBIT B



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO: 2024-022769-CA-01

SECTION: CA32

JUDGE: Ariana Fajardo Orshan

**KP INVESTMENTS MIAMI, LLC a Florida LLC**

Plaintiff(s)

VS.

**Mario Mirabal**

Defendant(s)

FILED FOR RECORD  
2025 AUG 26 PM 4:01  
JAN. CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
CIVIL #75

**PROPOSED ORDER**

**THIS CAUSE** came before the Court on Defendant's Notice of Lack of Jurisdiction and Motion to Stay/Abate Proceedings (Filed via ePortal on 8.20.20225). Upon review and being otherwise duly advised, it is hereby:

**ORDERED AND ADJUDGED** that Defendant's Motion is **DENIED**.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 25<sup>th</sup> day of August, 2025.

2024-022769-CA-01  
Hon. Ariana Fajardo Orshan  
CIRCUIT COURT JUDGE

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that the foregoing is a true and  
correct copy of the original on file in this  
office August 28 AD 20 25  
Juan Fernandez-Barquin, Esq.  
Clerk of the Court and Comptroller  
Deputy Clerk



33985052

# EXHIBIT C

## Case 2024-022769-CA-01 – Defendant's Motion to Stay/Abate – Proposed Order for Judge Simon (CA02)

Inbox



**mario mirabel** <solphax@gmail.com>  
to earagon, John



Wed, Aug 20, 3:30 AM (8 days ago)

Ms. Aragon Ortega,

Please confirm chambers' receipt of attached Defendant's **Notice of Lack of Jurisdiction and Motion to Stay/Abate** filed via the ePortal on 8.20.2025 in **Case No. 2024-022769-CA-01 (KP Investments Miami, LLC v. Mario Mirabal)**. I am submitting the attached **Proposed Order** (Word format) for Judge Simon's review. Thank you.

Respectfully,

Mario Mirabal

563 W 49th Street, Miami Beach, FL 33140

786-479-6596 | solphax@gmail.com

2 Attachments • Scanned by Gmail



**Aragon Ortega, Estefany**

to me, John

Wed, Aug 20, 12:21 PM (8 days ago)

Good morning all:

I am in receipt of this email. However, please note Proposed Orders must be submitted via courtMAP for the Court's review.

Best regards,

**Estefany N. Aragon Ortega, MPA**

Judicial Assistant to Judge Lourdes Simon

Administrative Judge, Circuit Civil Division

Dade County Courthouse, 73 W Flagler St, #635

(305) 349-7152 | [earagon@jud11.flcourts.org](mailto:earagon@jud11.flcourts.org)

**From:** mario mirabel <[solphax@gmail.com](mailto:solphax@gmail.com)>

**Sent:** Wednesday, August 20, 2025 3:30 AM

**To:** Aragon Ortega, Estefany <[earagon@jud11.flcourts.org](mailto:earagon@jud11.flcourts.org)>; John Cunill <[john@acfirm.com](mailto:john@acfirm.com)>

**Subject:** Case 2024-022769-CA-01 – Defendant's Motion to Stay/Abate – Proposed Order for Judge Simon (CA02)

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.



**John Cunill**

to Estefany, me

Wed, Aug 20, 12:25 PM (8 days ago)

Ms. Aragon-Ortega:

Plaintiff objects to this order and the manner in which it is being provided to the court without hearing.

Sent from my mobile device.

**John Cunill Esq.**

Law Offices of Adorno & Cunill PL

305.381.9999

305.775.4455

[www.acfirm.com](http://www.acfirm.com)

[john@acfirm.com](mailto:john@acfirm.com)

[1000 Brickell Ave Ste 1100 Miami, FL 33131](#)

---

**From:** Aragon Ortega, Estefany <[earagon@jud11.flcourts.org](mailto:earagon@jud11.flcourts.org)>

**Sent:** Wednesday, August 20, 2025 12:21:27 PM

**To:** mario mirabel <[solphax@gmail.com](mailto:solphax@gmail.com)>; John Cunill <[john@acfirm.com](mailto:john@acfirm.com)>

**Subject:** RE: Case 2024-022769-CA-01 – Defendant's Motion to Stay/Abate – Proposed Order for Judge Simon (CA02)

...

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# EXHIBIT D

le View



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| Image | Din | Date       | Book/Page | Docket Entry    | Event Type | Comments                                                                          |
|-------|-----|------------|-----------|-----------------|------------|-----------------------------------------------------------------------------------|
|       |     | 11/07/2025 |           | Calendar Call   | Hearing    |                                                                                   |
|       |     | 08/28/2025 |           | Motion Calendar | Hearing    | PLAINTIFF S<br>MOTION FOR<br>SANCTIONS<br>PURSUANT TO<br>FLA. R. CIV. P.<br>1.380 |
|       | 76  | 08/26/2025 |           | Notice:         | Event      | Non-appearance                                                                    |
|       | 75  | 08/26/2025 |           | Order:          | Event      | PROPOSED-<br>DEFENDANT'S<br>MOTION IS<br>DENIED                                   |
|       | 74  | 08/20/2025 |           | Notice:         | Event      | OF LACK OF<br>JURISDICTION<br>AND MOTION TO<br>STAY/ABATE                         |
|       |     |            |           | Notice of       |            | August 28, 2025 at                                                                |



# EXHIBIT E

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

KP INVESTMENTS MIAMI, LLC, a  
Florida Limited Liability Company,

Case No.: 2024-022769-CA-01

Plaintiff,

Vs

Judge.:

MARIO MIRABAL  
and all those in possession

Defendant.

**RULE TO SHOW CAUSE**

THIS CAUSE came before the Court on August 28, 2025, upon Plaintiff's Motion for Sanctions pursuant to Florida Rule of Civil Procedure 1.380. The Court, having reviewed the record, heard argument of counsel, and being otherwise fully advised in the premises, ORDERS AND ADJUDGES as follows:

1. Defendant, Mario Mirabal, is hereby **ORDERED TO APPEAR** before this Court on Thursday, September 18, 2025, at 9:00 a.m., in Courtroom 6-1, 73 West Flagler Street, Miami, Florida 33130.
2. At that time and place, Defendant shall personally appear and SHOW CAUSE why he should not be held in contempt of court and sanctioned for failing to comply with this Court's prior order compelling his deposition and for failing to attend the deposition as noticed.
3. Plaintiff shall serve this Rule to Show Cause, along with the underlying Motion for Sanctions, upon Defendant in accordance with the Florida Rules of Civil Procedure, and shall file proof of service with the Court.
4. Defendant is hereby advised that failure to appear as ordered may result in sanctions, including but not limited to attorney's fees, striking of pleadings, entry of default, or other remedies authorized by law, without further notice.

**DONE AND ORDERED**, in chambers, at \_\_\_\_\_, \_\_\_\_\_ County, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
HON. CIRCUIT JUDGE

Draft

# EXHIBIT F

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

KP INVESTMENTS MIAMI, LLC, a  
Florida Limited Liability Company,

Case No.: 2024-022769-CA-01

Plaintiff,

Vs

Judge.: Ariana Fajardo Oshan

MARIO MIRABAL  
and all those in possession

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS

THIS CAUSE came before the Court on August 28, 2025, on Plaintiff's Motion for Sanctions pursuant to Fla. R. Civ. P. 1.380 [D.E. 69] ("Motion"). Plaintiff was represented by counsel, John Cunill, Esq. The Defendant, Mario Mirabal, refused to appear, despite being notified of the hearing. The Court, having reviewed the Motion, the record, and being otherwise fully advised in the premises, finds as follows:

1. On June 18, 2025, this Court entered an Order compelling Defendant, Mario Mirabal, to appear for deposition on July 22, 2025, at 10:00 A.M. at the Law Offices of Adorno & Cunill, PL, 1000 Brickell Avenue, Suite 1100, Miami, Florida 33131.
2. Defendant failed to appear at his court ordered deposition.
3. A Certificate of Non-Appearance was issued by the court reporter confirming Defendant's failure to attend.
4. Defendant's failure to appear constitutes a willful violation of this Court's June 18, 2025, Order and is sanctionable under Fla. R. Civ. P. 1.380(d).

Accordingly, it is **ORDERED AND ADJUDGED**:

A. Plaintiff's Motion for Sanctions is GRANTED.

B. Defendant is Ordered to appear in-person for deposition at the Law Offices of Adorno & Cunill, PL, 1000 Brickell Avenue, Suite 1100, Miami, Florida 33131, on September 10, 2025, at 10:00 A.M.

C. Defendant is expressly cautioned that failure to comply with this Order may result in escalating sanctions, including striking of pleadings and entry of default judgment pursuant to Fla. R. Civ. P. 1.380.

D. The Court reserves on monetary sanctions and further sanctions.

**DONE AND ORDERED**, in chambers, at \_\_\_\_\_, \_\_\_\_\_ County, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
HON. CIRCUIT JUDGE

# EXHIBIT G



## Service of Court Documents

Inbox

**John Cunill**

to me, Amarilis, Law



10:50 AM (2 hours ago)

Filer: John Cunill 305-381-9999  
Court: Eleventh Judicial Circuit in and for Miami-Dade County, Florida  
Case #: 132024CA02276901GE01  
Court Case #: 2024-022769-CA-01  
Case Style: KP INVESTMENTS MIAMI, LLC a Florida LLC vs Mario Mirabal  
Documents: 1. Proposed order on Motion for Sanctions  
2. Proposed Order to Show Cause.

**John Cunill, Esq.****Law Offices of Adorno & Cunill PL**

1000 Brickell Avenue, Suite 1100

Miami, Florida 33131

**Phone:** 305-381-9999**Fax:** 305-381-9898**Cell:** 305-775-4455**Web:** [www.acfirm.com](http://www.acfirm.com)

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# EXHIBIT H

Service of Draft Court Document: 2024-022769-CA-01

Inbox



cmap-noreply@jud11.flcourts.org

to

10:22 AM (2 hours ago)



## Service of Draft Court Document

**Case Number:** 2024-022769-CA-01  
**Case Style:** KP INVESTMENTS MIAMI, LLC a Florida LLC vs Mario Mirabal  
**Section:** CA02  
**Court Order:** Order On Motion To Compel  
**Title:** ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS  
**Status:** Pending

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## Service of Draft Court Document

**Case Number:** 2024-022769-CA-01  
**Case Style:** KP INVESTMENTS MIAMI, LLC a Florida LLC vs Mario Mirabal  
**Section:** CA02  
**Court Order:** Order To Show Cause  
**Title:** Order To Show Cause  
**Status:** Pending

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# EXHIBIT I

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

KP INVESTMENTS MIAMI, LLC,  
Plaintiff,

CASE NO.: 2024-022769-CA-01

SECTION: CA32

v.

MARIO MIRABAL,  
Defendant.

\_\_\_\_\_ /

**NOTICE OF DEPOSITION ON ORAL EXAMINATION**  
**TO BE TAKEN IN PERSON**

Please take notice that, pursuant to Rule 1.310 of the Florida Rules of Civil Procedure, Plaintiff, KP Investments Miami, LLC, will take the oral deposition of Defendant, Mario Mirabal, beginning on September 10, 2025 at 10:00 a.m., and continuing thereafter from day to day, excluding Sundays and holidays, until completed, at the Law Offices of Adorno & Cunill P.L. at 1000 Brickell Avenue, Suite 1100, Miami, FL 33131. The deposition will be taken in person, by Veritext Legal Solutions.

Any minor subpoenaed for testimony has the right to be accompanied by a parent or guardian at all times during the taking of testimony notwithstanding the invocation of the rule of sequestration of section 90.616, Florida Statutes, except on a showing that the presence of a parent or guardian is likely to have a material, negative impact on the credibility or accuracy of the minor's testimony, or that the interests of a parent or guardian are in actual or potential conflict with the interests of the minor.

**NOTICE TO PERSONS WITH DISABILITIES**  
**Americans with Disabilities Act (ADA)**

**If you qualify under the Americans with Disabilities Act (ADA) and need assistance, please visit the Eleventh Judicial Circuit of Florida or you may contact the ADA Coordinator at: E-mail: ADA Coordinator at [ADA@jud11.flcourts.org](mailto:ADA@jud11.flcourts.org); Voice Mail #: 305-349-7175; TDD #: 305-349-7174; Fax #: 305-349-7355. If you are hearing or voice impaired, please call 711 or 1-800-955-8771 for the Florida Relay Service.**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of August 2025, a true and correct copy was served to the Defendant, Mario Mirabal, by e-filing in accordance with the Florida Rules of Judicial Administration. Additionally, a copy was sent via email to the Defendant's email address at: [solphax@gmail.com](mailto:solphax@gmail.com).

/s/ John Cunill

John Cunill

Attorney for Plaintiff

Florida Bar Number: 101733

Law Offices of Adorno & Cunill, PL

1000 Brickell Ave. Ste. 1100

Miami, FL 33131

Telephone: (305) 381-9999

Fax: (305) 381-9898

E-Mail: [john@acfirm.com](mailto:john@acfirm.com)